

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,
JOSE RAMIREZ, CLEMENTE HERNANDEZ,
CESAR PIZARO, ELISON PENA,
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,
ANGEL BAEZ, ANTONIO MARTINEZ,
WILFREDO ORTIZ, EULOGIO ORTIZ,
MIRRAIN MIRANDA, RAFAEL MORENO,
NELSON ACEVEDO, and
RAMON RODRIQUEZ,

plaintiffs,

v.

SHERMAN-FEINBERG CORPORATION,
FARNSWORTH FIBRE CORPORATION,
UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U, and UNITED STEELWORKERS
OF AMERICA,

Defendants.

Civil Action No.
04-10892-JLT

**MOTION IN LIMINE OF THE DEFENDANTS UNITED STEELWORKERS,
LOCAL 421-U AND UNITED STEELWORKERS TO LIMIT OR EXCLUDE
EVIDENCE RELATING TO EMOTIONAL DISTRESS OR PUNITIVE DAMAGES
WITH RESPECT TO PLAINTIFFS' DUTY OF FAIR REPRESENTATION CLAIMS**

Now come the defendants, United Steelworkers, Local 421-U (the Local) and United Steelworkers (the International), by their attorneys, and hereby move this Honorable Court in limine to exclude evidence relating to emotional distress and punitive damages on plaintiffs' duty of fair representation claim, in that settled federal case law makes clear that such damages are unavailable to the plaintiffs.

WHEREFORE, based upon defendants' memorandum of law filed herewith, it is requested that this Court grant this motion in limine.

Respectfully submitted,
UNITED STEELWORKERS, LOCAL 421-U
AND UNITED STEELWORKERS,
By their attorneys,

Dated: February 21, 2006

s/Harold L. Lichten
Harold L. Lichten, BBO # 549689
Alfred Gordon, BBO # 630456
Pyle, Rome, Lichten, Ehrenberg
& Liss-Riordan, P.C.
18 Tremont St., Ste. 500
Boston, MA 02108
(617) 367-7200

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by first class mail on the attorney of record for each party on February 21, 2006.

s/Harold L. Lichten
Harold L. Lichten